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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/945,118	08/31/2001	Raj Kumar	ORA005 US	2074
56135	7590	06/20/2006	EXAMINER	
SILICON VALLEY PATENT GROUP LLP 2350 MISSION COLLEGE BLVD. SUITE 360 SANTA CLARA, CA 95054			NGUYEN BA, HOANG VU A	
		ART UNIT	PAPER NUMBER	2192

DATE MAILED: 06/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/945,118	KUMAR ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Hoang-Vu A. Nguyen-Ba	2192

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 07 April 2006.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-14 and 23-29 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-14 and 23-29 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____ .  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ .   | 6) <input type="checkbox"/> Other: _____ .                                  |

## **DETAILED ACTION**

1. This action is responsive to the Applicants' Reasons for Requesting Pre-Appeal Brief Review of US "09/945,118", filed April 7, 2006.
2. Claims 1-14 and 23-29 are pending.

### ***Response to Arguments***

3. In view of Applicants' persuasive arguments presented in Applicants' Reasons for Requesting Pre-Appeal Brief Review of US "09/945,118", the finality of the action mailed on December 7, 2005 is hereby withdrawn. New grounds of rejections are set forth below.

### ***Claim Rejections – 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejection under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-14 and 23-29 are rejected under 35 U.S.C. § 102(b) as being anticipated by the admitted prior art (APA) and related information (concepts, documentations, guides, products, etc.; see <http://h50.isi.usud.fr/docmimage/oracle/doc/paraserv.817/a76934/toc.htm>

[http://h50.isi.u-](http://h50.isi.u-psud.fr/docmimage/oracle/doc/paraserv.817/a76934/chap9.htm#1009863)

[psud.fr/docmimage/oracle/doc/paraserv.817/a76934/chap9.htm#1009863](http://h50.isi.u-psud.fr/docmimage/oracle/doc/paraserv.817/a76934/chap9.htm#1009863)

) to Oracle8i™, which are incorporated by reference in the instant disclosure in their entirety, and of pages 1-4 of Applicant's background.

### **Claim 1**

APA discloses at least:

*creating a new object* (the new object is interpreted to mean “a new database,” “a new table,” “a new record,” in the database context since this term is not specifically defined in the instant disclosure except at page 6, lines 2-11 of the instant disclosure as indicated by Applicants in Applicants' Reasons for Requesting Pre-Appeal Brief Review of US “09/945,118”, page 1 of 5, last sentence; creation of a new database/table/record is deemed inherent to the use/maintenance of any database application) *for use by a new instance of the application, using an existing object used by an existing instance of the application, said existing instance being one of the multiple instances of the application* (see at least Chapter 9 of Oracle8i Parallel Server Setup and Configuration Guide Release 2 (8.1.6) Part Number A76934-01, cited in Applicants' Background at page 4, last paragraph);

*setting up connectivity between the new instance and the network* (see at least APA, p. 3, lines 10-20; p. 4, lines 3-21); and

*starting execution of the new instance of the application* (see at least Chapter 9 of Oracle8i Parallel Server Setup and Configuration Guide Release 2 (8.1.6) Part Number A76934-01, section Adding Instances and Nodes, task 9, i.e., Start the Database);

*wherein the new instance of the application uses the new object, and  
the connectivity to access a resource shared by the multiple instances of the  
application (see at least APA, p. 1, lines 23-30); and  
wherein each instance of the application comprises a plurality of  
processes (see at least p. 2, line 24).*

### **Claim 2**

APA does not specifically disclose *wherein said creating comprises:*

*making a copy of said existing object; and  
renaming the copy using name of the new instance of the  
application.*

However, the above two steps are deemed inherent to Oracle8i™ as p. 2, lines 9-20 of Applicants background discusses the rollback process should a computer in an Oracle™ Parallel Server (OPS) fail. Without saving and renaming a copy of the new created object (e.g., database, table, or record, etc.), the rollback process cannot be effected as described.

### **Claim 3**

APA further discloses *wherein said creating comprises:*

*automatically choosing a name for the new instance of the  
application (see at least Chapter 9 of Oracle8i™ Parallel  
Server Setup and Configuration Guide Release 2 (8.1.6)  
Part Number A76934-01, section Adding Instances and  
Nodes, task 7).*

**Claim 4**

APA does not specifically disclose *wherein said setting up connectivity comprises:*  
*adding an entry for the new instance to a file in a computer to describe the new instance.*

However, this step is deemed inherent to Oracle8i™ as p. 3 of Applicants' Background discusses the failover process at p. 3, lines 13-20. Without the claimed adding step, the failover step would be inoperative.

**Claim 5**

APA further discloses , *wherein said computer is hereinafter "first computer" and wherein said creating, setting up connectivity, and starting execution are automatically performed in a second computer, and said act of setting up connectivity further comprising:*  
*said first computer communicating with said second computer* (see at least p. 3, line 10 – p. 4, line 29).

**Claim 6**

APA further discloses *wherein said creating, setting up connectivity, and starting execution are automatically performed in said computer* (see at least Chapter 9 of Oracle8i™ Parallel Server Setup and Configuration Guide Release 2 (8.1.6) Part Number A76934-01, section Adding Instances and Nodes, task 7, except the manual step).

**Claim 7**

APA further discloses *wherein said creating, setting up connectivity, and starting execution are automatically performed in a first computer, the method further comprising:*

*displaying a list of computers in said plurality; and receiving from a user a selection of a second computer in said list* (see at least Chapter 9 of Oracle8i™ Parallel Server Setup and Configuration Guide Release 2 (8.1.6) Part Number A76934-01, section Adding Instances and Nodes, task 7, “Uses Manual Methods,” Task 1: Specify database and instance settings).

### **Claim 8**

APA further discloses *wherein:*

*each computer in said list does not have any instance of said application* (see at least Chapter 9 of Oracle8i™ Parallel Server Setup and Configuration Guide Release 2 (8.1.6) Part Number A76934-01, section Adding Instances and Nodes, task 7, “Uses Manual Methods,” Task 1: Specify database and instance settings; it is noted that this process is to create manually a new database, thus there should not be any instance of the database).

### **Claim 9**

APA further discloses *wherein:*

*at least one computer in said list already has at least one instance of said application* (see at least Chapter 9 of Oracle8i™ Parallel Server Setup and Configuration Guide Release 2 (8.1.6)

Part Number A76934-01, section Adding Instances and Nodes, task 7, “Uses Manual Methods,” Task 1: Specify database and instance settings; the table in paragraph 4 would display any existing instance of the application if such an instance exists).

### **Claim 10**

APA further discloses *installing software for said application on said second computer if said second computer does not have said software* (see at least Chapter 9 of Oracle8i™ Parallel Server Setup and Configuration Guide Release 2 (8.1.6) Part Number A76934-01, section Adding Instances and Nodes, Converting the Database from Single to Multi-instance, task 6, i.e., Install Oracle8i™ Enterprise Edition and Oracle8i™ Parallel Server.)

### **Claim 11**

APA further discloses *setting up resources for said new instance in said second computer* (see at least Chapter 9 of Oracle8i™ Parallel Server Setup and Configuration Guide Release 2 (8.1.6) Part Number A76934-01, section Adding Instances and Nodes, Converting the Database from Single to Multi-instance, tasks 1-5).

### **Claim 12**

APA further discloses *wherein said act of setting up connectivity comprises:*

*adding an entry for the new instance to a file shared across all computers* (see at least Chapter 9 of Oracle8i™ Parallel Server Setup and Configuration Guide Release 2 (8.1.6) Part Number A76934-01, section Adding Instances and Nodes, task 7, “Uses Manual Methods,” Task 3, Set Operating-system Specific Configuration, e.g., oratab File on UNIX

If you plan to use Oracle Enterprise Manager, manually create an entry in oratab file on each node. This file identifies the Oracle Parallel Server database. Oracle Enterprise Manager uses this file during service discovery to determine if the database is an Oracle Parallel Server and its database name).

### **Claim 13**

Further discloses *adding an entry for the new instance to a private file in each computer* (see at least Chapter 9 of Oracle8i™ Parallel Server Setup and Configuration Guide Release 2 (8.1.6) Part Number A76934-01, section Adding Instances and Nodes, task 7, “Uses Manual Methods,” Task 3, Set Operating-system Specific Configuration, e.g., oratab File on UNIX

If you plan to use Oracle Enterprise Manager, manually create an entry in oratab file on each node. This file identifies the Oracle Parallel Server database. Oracle Enterprise Manager uses this file during service discovery to determine if the database is an Oracle Parallel Server and its database name).

### **Claim 14**

APA further discloses *wherein said act of creating new object comprises:*

*creating an entry for the new instance in a map file shared across all computers (see at least FIG. 1, items 5 and 6);*  
*wherein the map file identifies which instances are executing on which computers*  
(see at least p. 3, lines 1-9).

### **Claim 23**

Claim 23 recites a computer system comprising a plurality of computers and a shared resource, the computer system comprising means for performing a broader version of the method of claim 1. Therefore, the same rejection is applied.

### **Claim 24**

Claim 24 recites a computer system comprising a plurality of computers and a shared resource, the computer system comprising means for performing the method step of claim 2. Therefore, the same rejection is applied.

### **Claim 25**

Claim 25 recites the reverse procedure of the method of claim 1 which is covered by the rollback process briefly described in Applicants' Background at page 2, lines 9-20 and also covered by Oracle8*i* Parallel Server Setup and Configuration Guide Release 2 (8.1.6), Chapter 3, Deleting the Databases). The features of Claim 25 are thus anticipated by the OPS Guide.

### **Claim 26**

The rejection of base claim 1 is incorporated. APA and Oracle8*i* Parallel Server Setup and Configuration Guide Release 2 (8.1.6), Chapter 3 does not specifically disclose *making the new instance of the application more powerful or less*

*powerful than the existing instance of the application.* However, the claimed characteristic “more powerful or less powerful” is deemed inherently disclosed in Oracle8i’s Chapter 3, Custom Installation since the use can add more features to be installed, thereby rendering the application more versatile or powerful.

### **Claim 27**

The rejection of base claim 1 is incorporated. APA further discloses *said resource comprises static configuration, the static configuration including information that remains in existence even after power is turned off to a computer having one of the instances* (see at least FIG. 1, item 5 and related text in Applicants’ Background at pp. 2-3).

### **Claim 28**

The rejection of base claim 1 is incorporated. APA does not specifically disclose *setting up at least one additional resource needed to bootstrap the new instance of the application.* However, this step is deemed inherent the rollback and failover capabilities of Oracle8i Parallel Server as briefly described in Applicants’ Background at pp. 2-4. Without the additional bootstrapping resource, the rollback and failover, and thus High Availability would be inoperative.

### **Claim 29**

Rejections of base claim 1 and intervening claim 14 are incorporated. APA does not specifically disclose *the shared map identifies a mapping between said instances of the application and computers in a cluster.* However, this step is deemed

inherently disclosed in the system illustrated in FIG. 1, items 5-6. Without this step, management of computers in any cluster would be impossible.

### ***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hoang-Vu "Antony" Nguyen-Ba whose telephone number is (571) 272-3701. The examiner can normally be reached on Tuesday-Friday from 7:45 am to 6:15 pm.

If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Tuan Dam can be reached at (571) 272-3695.

The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist (571) 272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).



ANTONY NGUYEN-BA

PRIMARY EXAMINER

June 12, 2006